

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: DAREL WAYNE NICHOLSON
Debtor**

**CHAPTER 12
CASE NO. 20-10869-SDM**

**THIRD APPLICATION FOR ALLOWANCE OF COMPENSATION
AND REIMBURSEMENT OF NECESSARY EXPENSES
FOR THE LAW OFFICES OF CRAIG M. GENO, PLLC**

COMES NOW the Law Offices of Craig M. Geno, PLLC (the “Applicant”), and files this its *Third Application for Allowance of Compensation and Reimbursement of Necessary Expenses for the Law Firm of Craig M. Geno, PLLC* (the “Application”), and in support thereof would show unto the Court the following, to-wit:

1. On February 27, 2020, the Debtor herein filed with this Court his original petition under Chapter 12 of the Bankruptcy Code.
2. On March 31, 2020, an Order [**DK #19**] approving the employment of the Applicant, as attorneys for the Debtor was entered by the Court.
3. The substantial services rendered to the Debtor and the expenses incurred by Applicant benefitted the estate. An Affidavit reflecting said legal services rendered and expenses incurred is attached hereto as **Exhibit “A”**. The Affidavit also certifies and represents to the Court that the services rendered to the Debtor were reasonable and necessary and that said services have actually been rendered. A detailed itemization of such services and expenses is attached as **Exhibit “B”** and incorporated by reference.
4. The fees and expenses charged and incurred represent reasonable and necessary fees and expenses that were required to be extended by Applicant to the Debtor in all matters which are anticipated to arise in the functioning of litigation matters, case administration and to protect and preserve all rights of the Debtor and the interests of creditors in furtherance of the counsel’s

obligations herein; and they represent normal and customary fees and expenses incurred and charged for representation of debtors in similar cases. The time, skill and experience utilized by counsel for the Debtor justify the approval of the Application.

5. This is the Applicant's third request for allowance of compensation for professional services rendered in this proceeding. This request covers the period from October 15, 2020, to and including June 20, 2022, and is for the sum of \$16,321.23 (\$15,527.50 in fees and \$793.73 in expenses).

6. The Applicant's second request for allowance of compensation for professional services rendered in this proceeding covered the period from July 20, 2020, to and including February 23, 2021, and was for the sum of \$6,420.53 (\$6,396.50 in fees and \$24.03 in expenses). An Order [DK #66] awarding the full amount requested was entered on March 30, 2021.

7. The Applicant's second request for allowance of compensation for professional services rendered in this proceeding covered the period from November 15, 2019, to and including July 23, 2020, and was for the sum of \$9,435.01 (\$9,093.50 in fees and \$341.51 in expenses), less any retainer balance remaining. An Order [DK #40] awarding the full amount requested was entered on August 25, 2020.

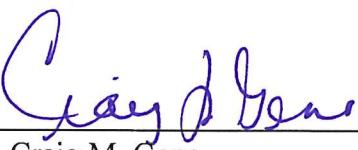
WHEREFORE, PREMISES CONSIDERED, Applicant requests that this Court enter an Order awarding reasonable attorneys' fees for the professional services rendered herein and authorizing and directing the Debtor/Chapter 12 Trustee to pay said attorneys' fees and expenses. Applicant prays for general relief.

THIS, the 20th day of June, 2022.

Respectfully submitted,

LAW OFFICES OF CRAIG M. GENO, PLLC

By:



Craig M. Geno

OF COUNSEL:

Craig M. Geno; MSB No. 4793
LAW OFFICES OF CRAIG M. GENO, PLLC
587 Highland Colony Parkway
Ridgeland, MS 39157
601-427-0048 - Telephone
601-427-0050 - Facsimile
cmgeno@cmgenolaw.com

N:\Firm Data\Users\Bankrupt\Nicholson, Darel Wayne\Fee Apps\CMG3rd\Application.wpd

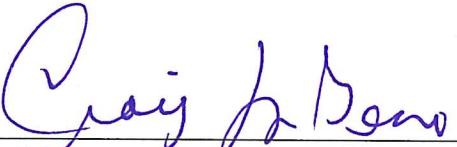
CERTIFICATE OF SERVICE

I, Craig M. Geno, do hereby certify that I have caused to be served this date, via Notice of Electronic Filing, a true and correct copy of the above and foregoing instrument to the following:

Sammie S. Tharp, Esq.
Office of the United States Trustee
sammie.s.tharp@usdoj.gov

Harold J. Barkley, Jr., Esq.
hjb@hbarkley13.com

THIS the 20th day of June, 2022.


Craig M. Geno

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: DAREL WAYNE NICHOLSON
Debtor**

**CHAPTER 12
CASE NO. 20-10869-SDM**

EXHIBIT “A”

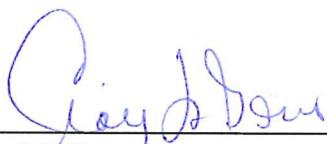
IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN RE: DAREL WAYNE NICHOLSON
Debtor

CHAPTER 12
CASE NO. 20-10869-SDM

AFFIDAVIT

PERSONALLY APPEARED BEFORE ME, the undersigned authority, in and for the jurisdiction aforesaid, Craig M. Geno, one of the attorneys for the Debtor, who after having been first by me duly sworn, stated on oath that this Affidavit is submitted in support of the *Third Application for Allowance of Compensation and Reimbursement of Necessary Expenses for the Law Offices of Craig M. Geno, PLLC* (the “Application”), Debtor’s counsel, that the statements which are attached to the Application as Exhibit “B” represent a detailed statement of reasonable fees and expenses. Affiant hereby makes application for payment of reasonable attorney's fees and necessary expenses.

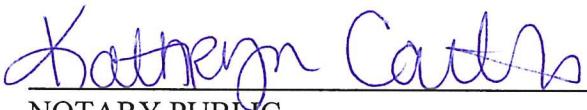


Craig M. Geno

STATE OF MISSISSIPPI
COUNTY OF Madison

SWORN TO AND SUBSCRIBED BEFORE ME, this the 20th day of June, 2022.





NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 21, 2025

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: DAREL WAYNE NICHOLSON
Debtor**

**CHAPTER 12
CASE NO. 20-10869-SDM-JDW**

EXHIBIT “B”

Law Offices of Craig M. Geno, PLLC

587 Highland Colony Parkway
Ridgeland, MS-Mississippi 39157 USA

Ph:601-427-0048

Fax:601-427-0050

Darel Nicholson
32958 Highway 45 N
Nettleton, MS-Mississippi
38858-8322 USA

June 20, 2022

Attention:

File #: 319031
Inv #: 347660

RE: Chapter 12

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Oct-16-20	Telephone conference with Mr. Nicholson approving Bank settlement	0.30	120.00	CMG
Nov-12-20	Review and revision of itemizations	0.75	300.00	CMG
Feb-25-21	Review hearing notice	0.20	80.00	CMG
	Receipt and review of hearing notice re CMG's 2nd Fee Application; calendar hearing date and objection deadline to trigger preparation of hearing folder	0.15	27.75	KLC
	Receipt and review of Order to File Certificate of Service re hearing notice on CMG's 2nd Fee Application; calendar deadline to file certificate and notice out materials	0.15	27.75	KLC
	Assist CMG drafting Certificate of Service re CMG's 2nd Fee Application	0.10	18.50	KLC
Feb-26-21	Dictation of COS re fee application	0.20	80.00	CMG
	Organize and supervise mailout of CMG's 2nd Fee Application	0.20	37.00	KLC
Mar-19-21	(First Western v.) Receipt and review of Summons re First Western Equipment Finance v. Nicholson Farms; calendar answer deadline	0.10	18.50	KLC

Mar-24-21	(First Western v.) Assist CMG drafting Answer, Defenses to Complaint	0.20	37.00	KLC
	(First Western v.) Assist CMG drafting letter to Clerk sending Answer, Defenses to Complaint for filing	0.10	18.50	KLC
Apr-19-21	Telephone conference with Darel Nicholson (vm) re eligibility for PPP loan	0.15	60.00	CMG
Apr-29-21	Review memo from Chapter 12 Trustee re MORs delinquency; Conference with KLC re same issue	0.25	100.00	CMG
	Assist CMG drafting letter to Darel Nicholson re delinquent MORs	0.10	18.50	KLC
May-03-21	Review memo from Michelle Arnold; Review new proposal; Dictation of letter to client re same	0.40	160.00	CMG
May-11-21	Review motion to dismiss submitted by Ch. 12 Trustee	0.50	200.00	CMG
	Review order for certificate of service	0.20	80.00	CMG
	Review notice of hearing	0.20	80.00	CMG
	Review certificate of service from Ch. 12 Trustee	0.15	60.00	CMG
	Receipt and review of hearing notice re Trustee's Motion to Dismiss; calendar hearing date and objection deadline to trigger preparation of hearing folder	0.15	27.75	KLC
May-13-21	Review MORs (4 months)	0.75	300.00	CMG
May-14-21	Review memo from Ch. 12 Trustee re withdrawing motion to dismiss	0.10	40.00	CMG
	Review order on dismissal motion	0.10	40.00	CMG
May-17-21	Review memos to/from Michelle Arnold re GPS issues	0.20	80.00	CMG
Jun-21-21	Review MOR	0.40	160.00	CMG
Jul-20-21	Dictation of motion to sell	1.00	400.00	CMG

	Review and revision of motion to sell	0.35	140.00	CMG
	Dictation of motion to expedite	0.40	160.00	CMG
	Review and revision of motion to expedite	0.10	40.00	CMG
	Dictation of sale order	0.75	300.00	CMG
	Review and revision of sale order	0.30	120.00	CMG
	Dictation of order to expedite	0.30	120.00	CMG
	Review and revision of order to expedite	0.10	40.00	CMG
	Assist CMG drafting and revising Motion to Sell Excavator, Certificate of Service and Order re same and Motion to Expedite Hearing and Order re same	0.60	111.00	KLC
Jul-22-21	Review notice of hearing	0.20	80.00	CMG
	Review order for COS	0.20	80.00	CMG
	Dictation of COS re sale motion	0.15	60.00	CMG
	Review June MOR	0.30	120.00	CMG
	Receipt and review of Order on Motion to Expedite Hearing on Motion to Sell Excavator; calendar hearing date and objection deadline to trigger preparation of hearing folder	0.15	27.75	KLC
	Assist CMG drafting Certificate of Service re Motion to Sell Excavator	0.10	18.50	KLC
	Organize and supervise mailout of Motion to Sell Excavator	0.25	46.25	KLC
Jul-23-21	Review Ch. 12 Trustee response to sale motion	0.30	120.00	CMG
	Update/preparation of document management control (subfiles and pleadings)	0.40	74.00	KLC
Aug-03-21	Review and revision of agreed order on	0.40	160.00	CMG

	motion to sell; Review memo to Justin Jones re same			
	Review memos to/from Justin Jones re asset sale and adjustment of Chapter 12 Trustee fees based upon what would have been paid under the confirmed plan	0.20	80.00	CMG
	Assist CMG drafting and revising Agreed Order on Motion to Sell Excavator	0.20	37.00	KLC
Aug-04-21	Finalize excavator sale order; Review and revision of same; Review memos to/from Justin Jones re same	0.55	220.00	CMG
	Conference with KLC re witnesses for 8/5 sale hearing	0.25	100.00	CMG
	Telephone conference with Mr. Buck re GPS system and coordination of implementing it	0.25	100.00	CMG
	Review file and court docket re: 8/5/21 hearing on Motion to Sell Excavator; prepare hearing folder for same	0.25	46.25	KLC
Aug-05-21	Final review of sale order	0.10	40.00	CMG
	Telephone conference with Mr. Nicholson re hearing preparation	0.20	80.00	CMG
	Review file; Prepare for hearing; Attended sale hearing on sale of excavator	0.65	260.00	CMG
	Review exhibit and witness list	0.20	80.00	CMG
Aug-06-21	Review sale order; Dictation of memo to Mr. Nicholson re consummating excavator sale	0.25	100.00	CMG
	Dictation of letter to client authorizing and instructing him to sell the excavator personal property after an order has been entered	0.10	40.00	CMG
Aug-17-21	Conference with KLC; Review memos from KLC to Mr. Nicholson seeking information re a description of assets to be sold, ownership of assets to be sold, timing of sale and numerous related matters	0.20	80.00	CMG
Aug-30-21	(First Western Equipment v. Nicholson Farms) Receipt and review of hearing notice re	0.10	18.50	KLC

	Plaintiff's Motion for Default Judgment; calendar hearing date to trigger preparation of hearing folder			
Sep-01-21	Dictation of motion to sell home	0.75	300.00	CMG
	Assist CMG drafting Motion to Sell Caddy and Cutter, Certificate of Service and Order re same, Motion to Expedite Hearing and Order re same	0.50	92.50	KLC
	Assist CMG drafting Motion to Sell Bushhog, Certificate of Service and Order re same, Motion to Expedite Hearing and Order re same	0.20	37.00	KLC
	Assist CMG drafting Motion to Sell House	0.15	27.75	KLC
Sep-05-21	Review and revision of home sale motion	0.35	140.00	CMG
Sep-09-21	Review and revision of house sale motion	0.25	100.00	CMG
	Review memo from KLC re Western Equipment collateral, payments to/from Debtor and to/from Trustee	0.20	80.00	CMG
	Review notice of hearing	0.20	80.00	CMG
	Review order for COS	0.10	40.00	CMG
	Receipt and review of hearing notice re Motion to Sell House; calendar hearing date and objection deadline to trigger preparation of hearing folder	0.15	27.75	KLC
	Receipt and review of Order to File Certificate of Service re hearing notice on Motion to Sell House; calendar deadline to file certificate and notice out materials	0.15	27.75	KLC
Sep-10-21	Review hearing notice	0.20	80.00	CMG
	Dictation of COS re hearing notice on house sale	0.15	60.00	CMG
	Assist CMG drafting Certificate of Service re Motion to Sell House	0.10	18.50	KLC
	Organize and supervise mailout of Motion to Sell House	0.20	37.00	KLC

Oct-01-21	Review July and August MORs	0.40	160.00	CMG
Oct-07-21	Receipt and review of Order to Submit Proposed Order re Motion to Sell House; calendar deadline to submit order	0.10	18.50	KLC
Oct-08-21	Dictation of memo to Ms. Arnold re agreed judgment	0.20	80.00	CMG
Oct-11-21	Review memos to/from Terri Lucas re notice to court administrator of settlement	0.20	80.00	CMG
	Dictation of sale order; Review and revision of same	0.45	180.00	CMG
	Assist CMG drafting Order on Motion to Sell House	0.10	18.50	KLC
Oct-14-21	Assist CMG drafting Bill of Sale	0.15	27.75	KLC
Oct-20-21	Review and revision of Motions to Sell Equipment	0.45	180.00	CMG
	Telephone conference with Mr. Nicholson regarding sales of assets	0.20	80.00	CMG
	Finalize sale motions	0.25	100.00	CMG
	Review Chapter 12 Trustee responses to equipment sale motions	0.40	160.00	CMG
	Review Notices of Hearing on sale of equipment	0.25	100.00	CMG
	Review orders for Certificates of Service on sale of equipment	0.20	80.00	CMG
	Receipt and review of hearing notice re Motion to Sell Caddy and Cutter; calendar hearing date and objection deadline to trigger preparation of hearing folder	0.15	27.75	KLC
	Receipt and review of Order to File Certificate of Service re hearing notice on Motion to Sell Caddy and Cutter; calendar deadline to file certificate and notice out materials	0.15	27.75	KLC
	Receipt and review of hearing notice re Motion to Sell Bushhog; calendar hearing date	0.15	27.75	KLC

	and objection deadline to trigger preparation of hearing folder			
	Receipt and review of Order to File Certificate of Service re hearing notice on Motion to Sell Bushhog; calendar deadline to file certificate and notice out materials	0.15	27.75	KLC
Oct-25-21	Dictation of Certificates of Service (2) regarding Motions to Sell	0.20	80.00	CMG
	Assist CMG drafting Certificate of Service re Motion to Sell Bushhog	0.10	18.50	KLC
	Assist CMG drafting Certificate of Service re Motion to Sell Caddy/Cutter	0.10	18.50	KLC
	Organize and supervise mailout of Motion to Sell Bushhog and Motion to Sell Caddy/Cutter	0.10	18.50	KLC
Oct-28-21	Review memos to/from Michelle Arnold, review Agreed Judgment	0.25	100.00	CMG
Nov-15-21	Review memos to/from Charles Barber regarding Agreed Orders on sale of equipment	0.25	100.00	CMG
Dec-08-21	Review numerous memos to/from Charles Barber, Justin Jones regarding amount of debt due to Kubota, agreement to enter Agreed Order regarding sale hearing and numerous related matters	0.25	100.00	CMG
Dec-13-21	Attended court hearing regarding settlement of sale motions	0.20	80.00	CMG
	Review minute entry regarding results of hearing	0.10	40.00	CMG
Dec-17-21	Receipt and review of minute entry re Motion to Sell Bushhog and Motion to Sell Caddy and Cutter; calendar deadline to submit orders	0.10	18.50	KLC
Dec-21-21	Dictation of sale orders	1.00	400.00	CMG
	Assist CMG revising Agreed Order on Motion to Sell Bushhog	0.15	27.75	KLC
	Assist CMG revising Agreed Order on Motion to Sell Caddy & Cuter	0.15	27.75	KLC

Dec-22-21	Review and revision of sale orders	0.35	140.00	CMG
	Dictation of letter to counsel regarding form and content of orders and execution of same	0.25	100.00	CMG
	Dictation of letter to client regarding closing sale issues	0.20	80.00	CMG
Dec-29-21	Review and revision of itemizations	0.30	120.00	CMG
	Dictation of application for compensation	0.65	260.00	CMG
Dec-31-21	Review orders; Dictation of letter to client re sale proceeds	0.20	80.00	CMG
Jan-03-22	Assist CMG drafting letter to Darel Nicholson re Agreed Orders on Motions to Sell	0.10	18.50	KLC
Jan-04-22	Review memos to/from Katie Carter, Harold Barkley's office regarding problems with not filing Monthly Operating Reports	0.20	80.00	CMG
Jan-17-22	Review memos to/from Katie Carter, Denise Jenno regarding upcoming Monthly Operating Reports and upcoming annual installment to Chapter 12 Trustee	0.20	80.00	CMG
Jan-20-22	Review Monthly Operating Reports	1.10	440.00	CMG
Jan-30-22	Review and revision of itemizations	0.20	80.00	CMG
Jan-31-22	Dictation of application for compensation; Review and revision of same	0.65	260.00	CMG
	Assist CMG reviewing and revising itemizations	0.10	18.50	KLC
Feb-03-22	Review memos to/from KLC regarding First Western UCC that is blocking auction and asset sales	0.25	100.00	CMG
	Review memos to/from KLC regarding problems with auction property and First Western Uniform Commercial Code financing statement; telephone conference with Mr. Nicholson regarding work around First Western financing statement; certifying DTN assets as opposed to Nicholson Farms	0.25	100.00	CMG

	Review memos from client re First Western claim; Review First Western UCC; Telephone conference with Mr. Nicholson re lien of First Western and financing of equipment	0.35	140.00	CMG
	Assist CMG reviewing and revising itemizations	0.30	55.50	KLC
Feb-09-22	Review memos to/from Michelle Arnold regarding First Western offer, telephone conference with Mr. Nicholson regarding terms of original offer from First Werstern	0.25	100.00	CMG
	Review memo from Will Jefcoat; Telephone conference with Will Jefcoat; Telephone conference with Mr. Nicholson; Telephone conference (5) with Michelle Arnold re sale of planter	1.00	400.00	CMG
	Review numerous memos to/from Michele Arnold regarding release of collateral and other terms of agreement to release planter	0.25	100.00	CMG
Feb-10-22	Review memos to/from Michelle Arnold regarding amount of settlement for sale of planter	0.25	100.00	CMG
Feb-14-22	Review memos to/from Jim Wilson regarding foreclosure on planter and/or advance of additional money to resolve lien priority dispute	0.20	80.00	CMG
Feb-16-22	Telephone conference with Jim Wilson regarding auction transaction	0.25	100.00	CMG
	Telephone conference with First Western regarding auction transaction	0.20	80.00	CMG
	Telephone conference with Jim Wilson regarding advance for auction transaction	0.25	100.00	CMG
Feb-17-22	Telephone conference with Mr. Nicholson regarding terms of agreement to fund First Western transaction	0.20	80.00	CMG
Feb-18-22	Review memos to/from Michelle Arnold confirming settlement arrangement with First Western	0.25	100.00	CMG
Feb-21-22	Telephone conference with James Williams regarding resolution of auction debacle	0.25	100.00	CMG

Feb-23-22	Review motion and notice to modify plan	0.25	100.00	CMG
Feb-24-22	Receipt and review of Trustee's Notice and Motion to Modify Plan; calendar objection deadline	0.10	18.50	KLC
Feb-25-22	Review memos to/from Michelle Arnold regarding payment, location of payment and retrieval	0.25	100.00	CMG
Feb-28-22	Assist CMG reviewing and revising itemizations	0.35	64.75	KLC
	Assist CMG drafting CMG's 3rd Fee Application, Certificate of Service and Order re same	0.20	37.00	KLC
Mar-04-22	Dictation of application for compensation; Review and revision of same	0.65	260.00	CMG
Mar-10-22	Review numerous memos to/from Michelle Arnold, Chris Richardson regarding form and content of release by bank of case planter	0.25	100.00	CMG
Mar-15-22	Review memos to/from U.S. Trustee, Mr. Nicholson regarding Monthly Operating Reports	0.25	100.00	CMG
	Assist CMG drafting letter to Darel Nicholson re delinquent MORs	0.10	18.50	KLC
Mar-22-22	Assist CMG reviewing and revising itemizations	0.25	46.25	KLC
Apr-13-22	Review memos to/from Barbara Harrell re monthly operating reports	0.25	100.00	CMG
Apr-14-22	Review 3 monthly operating reports	0.75	300.00	CMG
	Review memos to/from Shane Wells, KLC re status of monthly operating reports	0.20	80.00	CMG
Jun-07-22	Telephone conference with Jim Wilson re court approval of extension of deed of trust	0.15	60.00	CMG
Jun-10-22	Review and revision of itemizations	0.30	120.00	CMG
Jun-15-22	Work on and finalize application for compensation	0.55	220.00	CMG

Jun-16-22	Assist CMG reviewing and revising itemizations	0.25	46.25	KLC
Jun-20-22	Assist CMG revising CMG's 3rd Fee Application, Certificate of Service and Order re same	0.35	64.75	KLC
	Totals	40.95	\$14,552.50	

DISBURSEMENTS

Oct-16-20	Long Distance	4.13
Feb-26-21	Photocopies 20 @ \$.25 - mailout	5.00
	Postage 5 @ \$1.60 mailout	8.00
Apr-19-21	Long Distance	2.00
Jul-22-21	Photocopies 20@ \$.25 re mailout	5.00
	Postage 5 @ \$.51 re mailout	2.55
Jul-27-21	Postage 1 @ \$1.20 re Monroe Co. Circuit Clerk	1.20
	Postage 1 @ \$.51 re returned postage	0.51
Aug-05-21	Long Distance	3.00
Aug-20-21	COURTS/USBC-MS-N	188.00
Sep-10-21	Photocopies 10 @ \$.25 re mailout	2.50
	Postage 3 @ \$.53 re mailout	1.59
Sep-19-21	COURTS/USBC-MS-N	188.00
Oct-20-21	Long distance	2.00
Nov-19-21	COURTS/USBC-MS-N	376.00
Feb-09-22	Long Distance	2.12
Jun-07-22	Long Distance	2.13
	Totals	\$793.73
	Total Fee & Disbursements	\$15,346.23

SUMMARY BY TIMEKEEPER

TIMEKEEPER	RATE	HOURS	AMOUNT
Craig M. Geno	\$400.00	32.45	\$12,980.00
Kathryn L. Carter	\$185.00	8.50	\$1,572.50

TAX ID Number 45-4013160

Law Offices of Craig M. Geno, PLLC

587 Highland Colony Parkway
Ridgeland, MS-Mississippi 39157 USA

Ph:601-427-0048

Fax:601-427-0050

Darel Nicholson
32958 Highway 45 N
Nettleton, MS-Mississippi
38858-8322 USA

May 4, 2022

Attention:

File #: 319031
Inv #: 347639

RE: Chapter 12

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Oct-15-20	Work on Bank of Okolona terms; Review loan documents and Bank objection	1.85	693.75	CMG
Oct-20-20	Review case law and Speir decision re Trustee compensation and plan payments	0.65	243.75	CMG
Feb-25-21	Review order for COS	0.10	37.50	CMG
	Totals	2.60	\$975.00	
	Total Fee & Disbursements			\$975.00

Balance Now Due **\$975.00**

TAX ID Number 45-4013160